

U.S.S.N. 10/813,786

Remarks

Thorough examination by the Examiner is noted and appreciated.

The claims have been amended to recite indicated allowable subject matter and to make grammatical corrections.

Support for the amended claims is found in the original claims and/or the Specification. No new matter has been added.

Claim Rejections under 35 USC 102

1. Claims 1, 2, 4, 5, 6 stand rejected under 35 USC 102(b) as being anticipated by Mikata et al. (US 6,713,824).

Mikata et al. discloses a method for reducing film stress of a gate electrode (see Abstract). Mikata et al. discloses that gate dielectric may be formed by thermal oxidation including the use of O<sub>2</sub>, H<sub>2</sub>O or HCl.

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Mikata et al. do not disclose the steps in Applicants disclosed and claimed invention including a two step oxidation process.

Mikata et al. is insufficient to anticipate Applicants disclosed and claims invention.

2. Claims 1, 2, 4, 5, 6 and 7 stand rejected under 35 USC 102(b) as being anticipated by Suzuki et al. (US 5,506,178).

Suzuki et al. disclose a wet oxidation method for forming a silicon oxide film (gate dielectric) (see Abstract). Suzuki et al. disclose that it is known that a dry oxidation process for forming a silicon oxide film under an oxidizing atmosphere based on a compound containing a halogen atom which may act as a getter for impurities in the silicon oxide film (col 1, lines 41-51). Suzuki et al. also disclose a wet oxidation process using a halogen element to form an oxide film on a semiconductor substrate (col 4, lines 50-54).

Suzuki et al. do not disclose the steps in Applicants

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disclosed and claimed invention including a two step oxidation process.

Suzuki et al. is insufficient to anticipate Applicants disclosed and claims invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants note and appreciate Examiners indication of allowable subject matter in claims 8-18, and have incorporated allowable subject matter in amended claims 1-7 and in new claims 21-23.

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Examiners rejection of claim 3 under 35 USC.103(a) is made moot by incorporation of indicated allowable subject matter in claim 1.

Based on the foregoing, Applicants respectfully submit that the Claims are now in condition for allowance. Such favorable action by the Examiner at an early date is respectfully solicited.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

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